



## 99TH GENERAL ASSEMBLY

### State of Illinois

### 2015 and 2016

### SB0809

Introduced 2/5/2015, by Sen. William R. Haine

#### SYNOPSIS AS INTRODUCED:

725 ILCS 210/3	from Ch. 14, par. 203
725 ILCS 210/7.06	from Ch. 14, par. 207.06
725 ILCS 210/9.02	from Ch. 14, par. 209.02

Amends the State's Attorneys Appellate Prosecutor's Act. Allows the State's Attorney of Cook County to designate a person to represent the State's Attorney on the board of governors of the Office of the State's Attorneys Appellate Prosecutor. Allows the Director of the Office of the State's Attorneys Appellate Prosecutor to employ part-time investigators in addition to contracting for investigators. Restricts the requirement for an investigator to contact and cooperate with the appropriate local law enforcement agencies before the investigator exercises police powers, if the contact or cooperation would compromise an investigation. Allows the Director to issue shields or other distinctive identification to employees not exercising the powers of a peace officer if the Director determines that a shield or distinctive identification is necessary for the employee to carry out his or her duties and responsibilities. Changes from 30 to 90 days the time period in which the Office of the State's Attorneys Appellate Prosecutor board of governors has to allocate county shares of the expenses to participating counties in proportion to population. Effective immediately.

LRB099 05872 MRW 25920 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State's Attorneys Appellate Prosecutor's  
5 Act is amended by changing Sections 3, 7.06, and 9.02 as  
6 follows:

7 (725 ILCS 210/3) (from Ch. 14, par. 203)

8 Sec. 3. There is created the Office of the State's  
9 Attorneys Appellate Prosecutor as a judicial agency of state  
10 government.

11 (a) The Office of the State's Attorneys Appellate  
12 Prosecutor shall be governed by a board of governors which  
13 shall consist of 10 members as follows:

14 (1) Eight State's Attorneys, 2 to be elected from each  
15 District containing less than 3,000,000 inhabitants;

16 (2) The State's Attorney of Cook County or his or her  
17 designee; and

18 (3) One State's Attorney to be annually appointed by  
19 the other 9 members.

20 (b) Voting for elected members shall be by District with  
21 each of the State's Attorneys voting from their respective  
22 district. Each board member must be duly elected or appointed  
23 and serving as State's Attorney in the district from which he

1 was elected or appointed.

2 (c) Elected members shall serve for a term of 2 years  
3 commencing upon their election and until their successors are  
4 duly elected or appointed and qualified.

5 (d) An annual election of members of the board shall be  
6 held within 30 days prior or subsequent to the beginning of the  
7 fiscal year, and the board shall certify the results to the  
8 Secretary of State.

9 (e) The board shall promulgate rules of procedure for the  
10 election of its members and the conduct of its meetings and  
11 shall elect a Chairman and a Vice-Chairman and such other  
12 officers as it deems appropriate. The board shall meet at least  
13 once every 3 months, and in addition thereto as directed by the  
14 Chairman, or upon the special call of any 5 members of the  
15 board, in writing, sent to the Chairman, designating the time  
16 and place of the meeting.

17 (f) Five members of the board shall constitute a quorum for  
18 the purpose of transacting business.

19 (g) Members of the board shall serve without compensation,  
20 but shall be reimbursed for necessary expenses incurred in the  
21 performance of their duties.

22 (h) A position shall be vacated by either a member's  
23 resignation, removal or inability to serve as State's Attorney.

24 (i) Vacancies on the board of elected members shall be  
25 filled within 90 days of the occurrence of the vacancy by a  
26 special election held by the State's Attorneys in the district

1 where the vacancy occurred. Vacancies on the board of the  
2 appointed member shall be filled within 90 days of the  
3 occurrence of the vacancy by a special election by the members.  
4 In the case of a special election, the tabulation and  
5 certification of the results may be conducted at any regularly  
6 scheduled quarterly or special meeting called for that purpose.  
7 A member elected or appointed to fill such position shall serve  
8 for the unexpired term of the member whom he is succeeding. Any  
9 member may be re-elected or re-appointed for additional terms.  
10 (Source: P.A. 96-900, eff. 5-28-10.)

11 (725 ILCS 210/7.06) (from Ch. 14, par. 207.06)

12 Sec. 7.06. (a) The Director may contract for or employ  
13 part-time such investigators to provide investigative services  
14 in criminal cases and tax objection cases for staff counsel and  
15 county state's attorneys. Investigators may be authorized by  
16 the board to carry tear gas gun projectors or bombs, pistols,  
17 revolvers, stun guns, tasers or other firearms.

18 Subject to the qualifications set forth below,  
19 investigators shall be peace officers and shall have all the  
20 powers possessed by policemen in cities and by sheriffs;  
21 provided, that investigators shall exercise such powers  
22 anywhere in the State only after contact and in cooperation  
23 with the appropriate local law enforcement agencies, unless the  
24 contact and cooperation would compromise an investigation.

25 No investigator shall have peace officer status or exercise

1 police powers unless he or she successfully completes the basic  
2 police training course mandated and approved by the Illinois  
3 Law Enforcement Training Standards Board or such board waives  
4 the training requirement by reason of the investigator's prior  
5 law enforcement experience or training or both.

6 The board shall not waive the training requirement unless  
7 the investigator has had a minimum of 5 years experience as a  
8 sworn officer of a local, state or federal law enforcement  
9 agency, 2 of which shall have been in an investigatory  
10 capacity.

11 (b) The Director must authorize to each investigator  
12 contracted or employed under this Section and to any other  
13 employee of the Office exercising the powers of a peace officer  
14 a distinct badge that, on its face, (i) clearly states that the  
15 badge is authorized by the Office and (ii) contains a unique  
16 identifying number. No other badge shall be authorized by the  
17 Office. Nothing in this subsection prohibits the Director from  
18 issuing shields or other distinctive identification to  
19 employees not exercising the powers of a peace officer if the  
20 Director determines that a shield or distinctive  
21 identification is necessary for the employee to carry out his  
22 or her duties and responsibilities.

23 (Source: P.A. 96-900, eff. 5-28-10; 97-1012, eff. 8-17-12.)

24 (725 ILCS 210/9.02) (from Ch. 14, par. 209.02)

25 Sec. 9.02. Within 90 ~~30~~ days after the appropriation

1 becomes law, the board shall allocate the county shares of the  
2 expenses to the participating counties in proportion to  
3 population.

4 (Source: P.A. 84-1062.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.